

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**J.B., a minor child, by and through
his next friend, ADDIE WARD, on
Behalf of himself and all others
similarly situated;**

Plaintiff,

vs.

**WALTER WOOD, in his individual
capacity,**

Defendant.

*
*
*
*
*
*
*
*
*
*
*
*
*

**CIVIL ACTION NO.
2:06cv755-MHT**

PLAINTIFF'S MOTION FOR CLASS CERTIFICATION

COMES NOW the plaintiff, by an through counsel, and hereby moves for class certification pursuant to Rule 23, Federal Rules of Civil Procedure. In support thereof, Plaintiff states as follows:

1. Plaintiff, J.B., seeks class certification based upon the failure of defendant to provide timely placement, treatment and services to plaintiff and Class members, the failure of which is a violation of state law and in violation of due process protections pursuant to the Fourteenth Amendment to the Constitution of the United States.

2. Plaintiff moves for an Order certifying his and his undersigned counsel as appropriate representatives of a class under Fed. R. Civ. P. 23(a) and (b)(3), consisting of all individuals committed to the Alabama Department of Youth Services who remained in a detention facility for longer than seven (7) days prior to placement by the Alabama Department of Youth Services.

3. Persons excluded from the class would be persons for whom the applicable statute of limitations has expired.

4. In support of this motion, the plaintiff simultaneously files herewith his brief in support of the motion.

5. The plaintiff has met all the prerequisites for class certification under Rule 23 of the Federal Rules of Civil Procedure and has shown that this class should be certified as a Rule 23(b)(3) class.

6. Notice of the certification of this class pursuant to Fed. R. Civ. P. 23(c)(2)(6) can be mailed to class members by Plaintiff within 45 days of receipt of a list from the defendant identifying each known class members name and last known address. Class member exclusion requests shall be received by counsel for both the Plaintiff and Defendant up to 120 days from the date of mailing of the Notice. Plaintiff will advance the costs of printing and mailing of the Notice and will agree to defer the issue of which party will ultimately be responsible for paying those costs until the end of the case.

7. A Summary Notice of the certification of this Class may be published in a newspaper of statewide circulation or another publication of the Court's selection. Plaintiff will advance the cost of publishing Summary Notice and will agree to defer the issue of which party will ultimately be responsible for paying those costs until the end of the case.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order certifying the class, appointing Plaintiff and his counsel to represent the class, and directing a plan of Notice to the class. In support of this Motion,

Plaintiff submits the accompanying Brief and Exhibits filed herewith.

/s/Michael J. Crow
MICHAEL J. CROW (CR039)
Attorney for Plaintiffs

OF COUNSEL:

BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.
P.O. Box 4160
Montgomery, AL 36103-4160
(334) 269-2343

/s/Robert D. Drummond
ROBERT D. DRUMMOND (DRU004)
Attorney for Plaintiffs

OF COUNSEL:

Attorney at Law
323 De LaMare
Fairhope, AL 36532
(251) 990-6249

CERTIFICATE OF SERVICE

I hereby certify that on this the 5th day of March, 2007 a copy of the foregoing was filed electronically with the Clerk of the Court using the CM/ECF system which will send notification of such filing to T. Dudley Perry, P.O. Box 66, Mt. Meigs AL 36057 and Michael Crow, P.O. Box 4160, Mtg. AL 36103-4160.

/s/Robert D. Drummond, Jr.
OF COUNSEL